

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**CHARLES E. HAMNER ADC #143063**

**PLAINTIFF**

**V.**

**5:19CV00183 BRW/JTR**

**JOE PAGE III, Warden, Tucker Unit, et al.**

**DEFENDANTS**

**ORDER**

I have reviewed the Recommendation submitted by United States Magistrate Judge J. Thomas Ray and the objections. After reviewing these documents and making a *de novo* review of the record in this case, I approve in part and remand the case for further consideration.

Hamner may proceed with his failure to protect claims against Hurst, Perry, and Culclager. The Clerk is directed to prepare a summons for Hurst, Perry, and Culclager. The U.S. Marshal is directed to serve the Complaint<sup>1</sup> and this Order on them without prepayment of fees and costs or security therefor.<sup>2</sup>

Plaintiff's objections to the Recommendation is construed as a motion for leave to amend complaint to add retaliations claims against Page, Ford, and Powell.

All other claims are dismissed without prejudice. Landers, Berryhill, and Riley are dismissed without prejudice as defendants in this action. I certify that an *in forma pauperis* appeal of these rulings would not be taken in good faith.<sup>3</sup>

IT IS SO ORDERED this 20th day of June, 2019.

Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 2.

<sup>2</sup>If any Defendant is no longer an ADC employee, the individual responding to service must file a **sealed** statement providing the unserved Defendant's last known private mailing address.

<sup>3</sup>28 U.S.C. § 1915(a)(3).